

Court of Appeals, State of Michigan

ORDER

Paula M Pobanz v Larry J Pobanz

Docket No. 296826

LC No. 94-009004-DM

Deborah A. Servitto
Presiding Judge

Henry William Saad

Elizabeth L. Gleicher
Judges

The Court, acting under MCR 7.203(F)(2), orders that:

The motion for reconsideration is DENIED. The unpublished opinions cited by appellant are not precedentially binding under the rule of stare decisis. MCR 7.215(C)(1). Further, *Thurston v Escamilla*, 469 Mich 1009 (2004), cannot reasonably be understood as establishing that every postjudgment order regarding a parenting time issue affects the custody of a minor child. In contrast, to *Thurston*, in which a postjudgment order had the effect of altering a joint custody situation, the February 17, 2010 postjudgment order in this case does not affect custody, but only appellant's parenting time.

We also decline appellant's suggestion to treat his claim of appeal as a granted application for leave to appeal. As noted in this Court's April 9, 2010 dismissal order, appellant may file a delayed application for leave to appeal from the February 17, 2010 order. We further note that appellant is free to file a motion for immediate consideration along with such a delayed application.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 06 2010

Date

Sandra Schultz Mengel
Chief Clerk